

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE MIDDLE DISTRICT OF ALABAMA
 3 SOUTHERN DIVISION
 4
 5 CURLY YOUNG,)
 6 Plaintiff,)
 7 vs.) CIVIL ACTION:
 8 HONEYWELL TECHNOLOGY 1:02-CV-00563-SRW
 9 SOLUTIONS, et al)
 10 Defendants.)
 11
 12
 13
 14 STIPULATIONS:
 15 IT IS STIPULATED AND AGREED by
 16 and between the parties through their
 17 respective counsel, that the deposition
 18 of KENNETH A. ERICKSON may be taken
 19 before Winters O. Hope, Alabama CSR #104,
 20 Commissioner and Notary Public, State of
 21 Alabama at Large, at the offices of Mr.
 22 Joe W. Adams, Attorney at Law, 1278
 23 Andrews Avenue, Ozark, Alabama, 36360, on
 the 27th day of March, 2007.

Page 4

1 I, Winters O. Hope, Alabama CSR
 2 104, and Notary Public for the State of
 3 Alabama at Large, acting as Commissioner,
 4 certify that on this date, as provided by
 5 The Federal Rules of Civil Procedure and
 6 the foregoing stipulation by counsel,
 7 there came before me at 11:41 a.m.,
 8 Central Daylight Time, on March 27, 2007,
 9 KENNETH A. ERICKSON, witness in the above
 10 cause for oral examination, whereupon the
 11 following was had and done:
 12
 13
 14 KENNETH A. ERICKSON:
 15 having been duly sworn, was
 16 examined and testified as follows:
 17
 18 EXAMINATION BY MR. BENNITT:
 19 Q State your name, please.
 20 A Kenneth A. Erickson.
 21 Q And your place of employment?
 22 A Honeywell, Fort Rucker, Alabama.
 23 Q Your title?

Page 2

1 IT IS FURTHER STIPULATED AND
 2 AGREED that the signature to and the
 3 reading of the deposition by the witness
 4 is waived, the deposition to have the
 5 same force and effect as if full
 6 compliance had been had with all laws and
 7 rules of Court relating to the taking of
 8 depositions.
 9 IT IS FURTHER STIPULATED AND
 10 AGREED that it shall not be necessary for
 11 any objections to be made by counsel as
 12 to any questions, except as to form or
 13 leading questions, and that counsel for
 14 the parties may make objections and
 15 assign grounds at the time of trial, or
 16 at the time said deposition is offered in
 17 evidence or prior thereto.
 18 IT IS STIPULATED AND AGREED that
 19 this deposition is taken after issuance
 20 of formal notice.
 21
 22
 23

Page 5

1 A Project Manager.
 2 Q Your duties?
 3 A I am the Project Manager. I
 4 supervise all the sections that are out
 5 there on the range.
 6 Q And what were your duties at the
 7 time of Mr. Young's termination?
 8 A Project Manager.
 9 Q Same duties?
 10 A Same duties.
 11 Q State the race of Plaintiff at
 12 the time of his termination.
 13 A Sir, you mean, state the race of
 14 Curly Young?
 15 A Uh-huh. (Indicated yes.)
 16 A Curly Young was black.
 17 Q Was Plaintiff qualified for his
 18 or her job at the time of the decision?
 19 A He was qualified for the Junior
 20 Range Tech position. That's correct.
 21 Q Tell me the name, race of the
 22 person who took his job.
 23 A Chris Hines is white. He -- he

Page 3

1 INDEX:
 2 EXAMINATION BY: PAGE:
 3 MR. BENNITT 445
 4 MS. REISS 45 - 57
 5
 6
 7
 8 BEFORE:
 9 Winters O. Hope, Commissioner.
 10 APPEARANCES:
 11 Mr. Jeffrey W. Bennitt,
 12 Attorney at Law, 4898 Valleydale Road,
 13 Birmingham, Alabama, 35242, appearing for
 14 the Plaintiff.
 15 Ms. Sandra B. Reiss, Attorney at
 16 Law, of the firm of Ogletree, Deakins,
 17 Nash, Smoak & Stewart, P.C., One Federal
 18 Place, Suite 1000, 1819 5th Avenue North,
 19 Birmingham, Alabama, 35203, appearing for
 20 the Defendants.
 21 Also in appearance:
 22 Mr. Curly Young, Plaintiff.
 23 Mr. Jerry L. Temple, Defendant.

Page 6

1 was placed in that position because he
 2 had to -- we had to fill that slot at the
 3 time.
 4 Q And what date did he take over
 5 this job?
 6 A The day after Mr. Young's
 7 termination papers.
 8 Q Did he apply for the job?
 9 A No, sir. He just filled the
 10 position at that time because we had no
 11 one. We hadn't even advertised the
 12 position at the time. He actually did
 13 both jobs. He had to do his job on that
 14 Gunnery Range, plus this job, at that
 15 time.
 16 Q Did he have help?
 17 A Yes, he did.
 18 Q How many helpers?
 19 MS. REISS: At what time?
 20 Q I'm sorry. When he took over and
 21 started performing Mr. Young's job.
 22 A He did not have a helper at that
 23 time because the RCS Operator that we had

1 was mobilized to Iraq.
 2 Q Did you give him helpers later?
 3 A Yes, sir. The Range Maintenance
 4 Section would come in and help close out
 5 all the contracts. We have contract
 6 requirements that we have to meet each
 7 quarter.
 8 Q How many helpers did he get?
 9 A He had -- on the range side would
 10 be Mr. Temple, Calvin Flowers -- I'm not
 11 sure if Gregory Borders -- no, Gregory
 12 Borders was not -- and Rodney Sellers.
 13 Q What was the designation of Mr.
 14 Young's range? What was its
 15 nomenclature? What was it called?
 16 A He was called a Junior Range
 17 Tech.
 18 Q But did his range itself have a
 19 designation on it?
 20 MS. REISS: At what time?
 21 Q At the time of his termination.
 22 A He was in charge of maintenance
 23 on the small arms ranges. There was more

1 Mr. Hines' former job?
 2 A That is correct.
 3 Q Is Mr. Hines, at the present
 4 time, still performing Mr. Young's former
 5 job?
 6 A That is correct.
 7 Q Did you have input in the
 8 decision to terminate Mr. Young?
 9 A Yes, sir. I had input. I
 10 recommended the -- I can forward the
 11 recommendations to Corporate
 12 Headquarters. They have the final
 13 decision-making authority.
 14 Q Okay. Can you state exactly, and
 15 precisely, the reasons for the
 16 termination decision that you made?
 17 A The decision I made was based on
 18 three write-ups that Mr. --
 19 MS. REISS: I'm going to object,
 20 to the extent that that mischaracterizes
 21 his testimony. He did not make the
 22 decision.
 23 MR. BENNITT: I'm sorry. Input.

1 than one.
 2 Q And so my question is, is that
 3 when Mr. Hines took over his job on the
 4 small arms ranges, did he have helpers?
 5 A Yes, he did.
 6 Q And those were the ones you
 7 named?
 8 A Yes.
 9 Q What was the designation of Mr.
 10 Hines' former range called?
 11 A Mr. Hines was a Junior Range Tech
 12 --
 13 Q Yes, sir.
 14 A -- the same classification as Mr.
 15 Young.
 16 Q And what was the name -- the
 17 nomenclature? What was the name of his
 18 range?
 19 A He was on the Gunnery Range at
 20 the time.
 21 Q Who took Mr. Hines' place?
 22 MS. REISS: I object to the form.
 23 I don't understand. When? What are you

1 MS. REISS: He said he
 2 recommended it.
 3 Q (By Mr. Bennitt) The same
 4 question, only, when you made the
 5 recommendation.
 6 A I made the recommendation because
 7 of three write-ups that were given to
 8 him; one of which was given to him from a
 9 Thomas Lavar, who was black, who was my
 10 Quality Control Inspector, for not having
 11 a Preventative Maintenance and Checks and
 12 Services sheet on his vehicle. The
 13 second one was because of he left a
 14 vehicle in disarray -- and that was
 15 discovered by Thomas Lavar, also -- and
 16 then he had a gas blower full of gas
 17 inside the cab of the truck. The last
 18 one was accountability: He did not
 19 account for supply procedures for the
 20 mannequins in the supply room that he was
 21 in charge of. And he also was trained on
 22 this, so that he would keep up with
 23 accountability on the supplies. And that

1 talking about?
 2 A After we advertised --
 3 MS. REISS: Let him clarify that
 4 question, please.
 5 A Okay.
 6 Q Okay. Mr. Hines took Mr. Young's
 7 place, and then his -- he worked both
 8 jobs for a while.
 9 A Correct.
 10 Q And so my question is, is that at
 11 some point in time you all got somebody
 12 to take over Mr. Hines' former position.
 13 Right?
 14 A Correct.
 15 Q And who was that, and what was
 16 his race?
 17 A I believe it was Calvin Flowers,
 18 and he is black.
 19 Q Okay. And when did he take over
 20 Mr. Hines' spot? Approximately.
 21 A Approximately six weeks for the
 22 hiring process to go into effect.
 23 Q Okay. Is Mr. Flowers still doing

1 was the three reasons.
 2 Q Was the company fined by the Army
 3 for any of these disciplinarys?
 4 A No, sir. They were not, because
 5 Honeywell discovered these actions before
 6 the Government Inspector caught them.
 7 Q Okay. Did Honeywell lose any
 8 money because of these three
 9 disciplinarys?
 10 A No, sir, they did not.
 11 Q Do you know if Mr. Temple had any
 12 input with you in the decision-making
 13 process?
 14 A Mr. Temple had no input on the
 15 decision-making process for the
 16 termination of Mr. Young.
 17 Q Did he say anything to you? Did
 18 he give his recommendation to you?
 19 A No, sir, he did not.
 20 Q Did you make the decision to
 21 promote Robert Hadley in that
 22 Electrician's position?
 23 A No, sir, I did not. Robert

Page 13

1 Hadley was hired into that position that
2 he's in currently. I did not promote him
3 into that position; we hired him into
4 that position.
5 Q And who hired him?
6 A I recommended the hire. I put it
7 to Corporate Headquarters.
8 Q Was Mr. Young given an
9 opportunity to try to get that position?
10 A Yes, sir. Mr. Young was given an
11 opportunity, even though he did not meet
12 the minimum requirements for the
13 position. My -- my intent in that was in
14 case we couldn't find an individual that
15 had the minimum requirements for that
16 position, I was going to go down to the
17 government and ask for a waiver for that
18 requirement that required him to have an
19 electronics degree.
20 Q Did -- did Mr. Young score higher
21 on the testing than Mr. Hadley, for that
22 position?
23 A Yes, sir. He scored higher on

Page 16

1 shouldn't guess, to go on the record.
2 Q Are there any more reasons that
3 you gave the job to Mr. Hadley, over Mr.
4 Young, than what you told me?
5 A No, sir.
6 Q Did Plaintiff make race
7 complaints to you?
8 A No, sir. He made complaints to
9 me about the hiring process for some
10 individuals. And I informed Mr. Young
11 that my hiring process, if someone
12 doesn't get selected, then I call them in
13 my office and explain to them why.
14 Q Did that have to do with the
15 Calvin Flowers?
16 A Yes, sir.
17 Q Did he make any -- any complaints
18 involving race? And let's don't talk
19 about Calvin Flowers.
20 A He made a complaint to me about
21 an off-color joke that a Pat Little had
22 told on the range.
23 Q When was that?

Page 14

1 the testing; however, he did not score
2 higher on the interview.
3 Q Is the test an objective test,
4 asking objective questions?
5 A No, sir. It's a skills test.
6 Q The interview - is it an
7 objective or a subjective interview?
8 A Please clarify.
9 Q Can you give me the three top
10 reasons, if you can -- because I'm kind
11 of limiting this question -- of how Mr.
12 Hadley scored better on the interview
13 than Mr. Young?
14 A Mr. Hadley came in and he had --
15 one of the requirements was background
16 education requirements, which he had.
17 The second issue was how much experience
18 he had. Mr. Hadley had six years of
19 electronics and electricity experience
20 background in his hiring process.
21 Q Anything else?
22 A No, sir.
23 Q Could you have gotten a waiver?

Page 17

1 A I can't recall the exact date.
2 But I did address the issue with Pat
3 Little. I made Pat Little go over and
4 apologize to Mr. Young; and then I asked
5 Mr. Young, if he wanted to pursue this
6 further, give it to me in writing, then I
7 would more than definitely pursue that,
8 in writing, because Honeywell does not
9 tolerate that kind of thing.
10 Q Did he make any complaints to
11 you, say, within a three month time
12 period of his termination, about what he
13 considered to be racial attitude,
14 atmosphere, going on at Honeywell?
15 A No, sir, he did not.
16 Q The same question, not limited to
17 three months. Just at any time.
18 A No, sir.
19 Q Do you know if Chris Hines is
20 related to Jerry Temple, from any source?
21 A Sir, the only thing I know about
22 this situation is that I confronted it
23 after the deposition, and I asked Mr.

Page 15

1 Or how hard is it to get a waiver?
2 A Well, sir, I tried to get a
3 waiver for Calvin Flowers for a CDL
4 license. And I went down and talked to
5 the Contracting Officer's representative,
6 and they denied the waiver for the CDL
7 license. I'm assuming I would have tried
8 to go down and get one, if I had to come
9 up with that solution. I'm not too sure
10 the government would have approved it.
11 Q Would this have given Mr. Young a
12 raise, had he been given the job?
13 A I believe it would have given him
14 a very minimal raise.
15 Q Of about how much, in your best
16 judgement?
17 A I can't -- I could not. I would
18 have to look it up. I wouldn't want to
19 quote you an exact figure, but --
20 Q I don't need an exact figure.
21 Just give me a judgement.
22 MS. REISS: I don't want him to
23 guess. If he doesn't know the amount, he

Page 18

1 Temple if he knew anything about the
2 relationship. And he mentioned something
3 to me about being a fourth cousin, and
4 they were not engaged. So Jerry Temple
5 is not related to Chris Hines.
6 Q Do you know whether or not they
7 are friends?
8 A No, sir, I do not.
9 Q Are you familiar with Chris
10 Hines' work performance --
11 A Yes, sir.
12 Q -- with Honeywell?
13 A Yes, sir, I am. Chris Hines is
14 an outstanding worker. He performs his
15 job every day. Every time I've ever come
16 up on Mr. Chris Hines, he was always
17 working. I never had to question his
18 ethic.
19 Q Has he ever been disciplined?
20 A Yes, sir, he has.
21 Q And how many times?
22 A Two times.
23 Q Tell me about the first time.

Page 19

1 A The first time, he shorted out a
2 system in a bunker, and it -- he just --
3 it was a safety violation.
4 Q What was the safety violation?
5 A The safety violation was, he
6 didn't lock-out and tag-out properly at
7 the bunker.
8 Q What kind of violation was that,
9 in relationship to whether it's serious,
10 minor?
11 A It was a serious violation. It
12 was his first attempt at the violation.
13 But after further investigation, we
14 realized that the training that we were
15 giving for the lock-out, tag-out
16 procedures for the bunkers was not
17 accurate; that not all the bunkers were
18 wired exactly the same. So the training
19 that Chris Hines had received was not on
20 that particular bunker. And then, since
21 then, we have put signs in these bunkers
22 to show the individuals the proper
23 procedures, because the bunkers aren't

Page 22

1 judgement, or did he make an error of
2 failure to follow procedure?
3 A He did not make an error of
4 judgement. In my opinion, he made an
5 error of following procedures, because he
6 wasn't properly trained on the lock-out,
7 tag-out for that particular bunker.
8 Q Did he attempt to make -- to
9 perform a lock-out, tag-out?
10 A Yes, sir, he did.
11 Q What did he do?
12 A He locked out -- he tagged and
13 locked out the wrong box.
14 Q And that's in the report? That's
15 in the investigation?
16 A Yes, sir. It was in the
17 investigation.
18 Q Well, did he receive a discipline
19 for this?
20 A Yes, sir, he did.
21 Q Why did he receive a discipline,
22 if it was the company's fault, in that he
23 wasn't trained properly?

Page 20

1 exactly alike.
2 Q Did the company lose money over
3 this incident from the Army?
4 A No. The company did not lose any
5 money at all. There was a \$778 charge
6 for that piece to have to be repaired,
7 but that was back-charged to the
8 government.
9 Q Was it fined by the Army? Was
10 the company fined by the Army for this
11 incident?
12 A The company was not fined. But
13 it was mentioned in the award fee, and we
14 lost percentages on the award fee. That
15 is correct.
16 Q How much did you lose? About?
17 Best judgement?
18 A About -- about 2%.
19 Q How much is that?
20 A Approximately about \$1,200.
21 Q If -- if Mr. Hines was not at
22 fault, why was the company fined by the
23 Army?

Page 23

1 A He received a discipline, again,
2 because at the time he had the incident,
3 we assumed that he knew what he was
4 supposed to be doing, so we automatically
5 had written him up for that procedure.
6 Q He was put on probation. Right?
7 A Yes, sir, he was.
8 Q And for a year. Right?
9 A Yes, sir.
10 Q Well, was he taken off probation
11 when your realized that it was really
12 your company's fault, and not his?
13 A No, sir. We just annotated that,
14 and we used it as a safety tool to teach
15 others. But, no, it was not removed from
16 his records.
17 Q How long had Mr. Hines been
18 employed when this first one occurred?
19 Approximately. In your best judgement.
20 A Approximately two years.
21 Q Had he ever worked a bunker like
22 this before?
23 A No, sir. He was training on the

Page 21

1 A The company was fined on the
2 award fee at the time of the incident.
3 But after the investigation, which took
4 about three to four months to discover
5 this, we realized that there was an
6 error, and the government understood what
7 had happened: that he wasn't trained
8 properly on the -- on the lock-out, tag-out
9 procedures, because they were
10 different. But it was beyond -- we get
11 our award fees quarterly. And once that
12 award fee is given, it cannot be redone.
13 Q Tell me exactly what he did in
14 his attempt to lock-out and tag-out, in
15 this incident where he got hurt.
16 A I'm not exactly sure. I
17 understood that he had put a screwdriver
18 in a high-voltage area. That's all I
19 know. I'm not familiar with it. I'm not
20 an expert on lock-out, tag-out of the
21 bunkers.
22 Q When you say the word "error," do
23 you mean that he made an error of

Page 24

1 bunkers. He had started on the small
2 arms ranges.
3 Q Who had worked these bunkers
4 before?
5 A Mr. Young and Mr. Temple.
6 Q So Mr. Young knew how to lock-out, tag-out
7 these boxes. Correct?
8 A Yes, sir. I'm assuming he did.
9 Q Was Mr. Young required to teach
10 Mr. Hines?
11 A Sir, I don't know who taught Mr.
12 Hines.
13 Q It would be either Mr. Temple or
14 Mr. Young, though. Right?
15 A That is correct.
16 Q Okay. So if he wasn't trained,
17 somebody dropped the ball there.
18 Correct? That would be either Mr. Young
19 or Mr. Temple.
20 A Sir, I believe it would have been
21 Mr. Temple.
22 Q Well, was he written up for that?
23 A No, sir, he was not.

Page 25

1 Q Why not?

2 A I probably should have written

3 him up for it.

4 Q All right. Let's go to the

5 second incident with Mr. Hines. When did

6 that occur?

7 A It occurred shortly thereafter.

8 I don't know the exact date. I would

9 have to look at the write-up to see that,

10 and I don't have it in front of me.

11 Q All right. What happened?

12 A However, there was a pipe -- that

13 he was taking a pipe out on the range,

14 him and another individual, and they had

15 the pipe sticking out of the back end of

16 the truck. They were crossing Highway

17 27, and the pipe was sticking out of the

18 back of the truck, and the Government

19 Quality Control Inspector spotted the

20 truck going with the pipe hanging out the

21 back, and he informed me that they were

22 doing it without putting a flag on the

23 back.

Page 28

1 Preventative Maintenance and Checks and

2 Services is a very serious event, because

3 we have to maintain government equipment,

4 and they relegate it to the elevation of

5 serious.

6 Q What about the Dirty Truck?

7 MS. REISS: I'll object to the

8 characterization. It's more than a dirty

9 truck.

10 A Yes, sir.

11 MS. REISS: Go ahead and answer.

12 Q I'm going to -- will you give me

13 the name for Number 2 in your own words?

14 A The -- it was Preventative

15 Maintenance Checks and Services, but it

16 was also an environmental and safety

17 hazard; because not only was the truck

18 filthy, and scattered with paint cans and

19 everything inside the truck, it had a gas

20 blower inside the cab, full of fuel.

21 Q Okay.

22 A And the Quality Control

23 Supervisor came to me and said, "This is

Page 26

1 Q Was that considered to be, for

2 lack of a better term, a serious offense?

3 A minor offense?

4 A I consider it a minor offense.

5 Q Mr. Hines and Mr. Young, do they

6 perform nearly identically the same job?

7 A They both have to be trained into

8 doing all aspects of a Junior Range

9 Technician. That's their job

10 description. Both of them have the same

11 job description.

12 Q And are they under the same

13 supervisor?

14 A That is correct.

15 Q And under the same plant rules?

16 A That is correct.

17 Q Are they cross-trained to do each

18 other's job?

19 A Yes, sir. We had just started

20 cross-training.

21 Q So, then, in every aspect, every

22 relevant aspect of their jobs, they

23 perform nearly identical work.

Page 29

1 extremely dangerous. I opened the cab of

2 the truck and the fumes were just blowing

3 out." And actually --

4 Q That was Mr. Lavar?

5 A Yes.

6 Q Okay. So how is Number 2 rated?

7 A Very serious.

8 Q And Number 3: Accountability.

9 How is that rated?

10 A That's very serious, because in

11 our contract we are required to maintain

12 accountability of all government

13 equipment. And when the government comes

14 up, they are required to do a 10% check

15 each month. We perform 10% checks each

16 month in order to keep ahead and make

17 sure we don't. We actually had a

18 Greenbelt Certification Process, of which

19 Mr. Young was involved in, and he

20 understood that the accountability

21 process was extremely important to the

22 government. And we believe in voice of

23 the government, because it's our

Page 27

1 A They were tasked to perform the

2 same identical jobs. That is correct.

3 Q Talking about the three

4 disciplinaries that you had discussed

5 earlier, I shall call it P.M. -- it's the

6 truck thing, about maintaining your

7 truck. What is it called? P.M. -- the

8 first disciplinary you gave him.

9 MS. REISS: The form?

10 A Okay, it's Preventative

11 Maintenance and Check Services.

12 Q P.M.A.C.

13 A No. P.M.C.S.

14 Q I mean, P.M.C.S. Sorry. The

15 second one I'm going to call "Dirty

16 Truck."

17 A Yes, sir.

18 Q And then, the third one I'm going

19 to call "Accountability."

20 A Yes, sir.

21 Q How would you rate P.M.C.S.? As

22 a serious, minor or average offense?

23 A The government sees that

Page 30

1 customer. And when we got into that

2 situation, we had started out the Six

3 Sigma Team. Greenbelt Certified people

4 had agreed that the card had to be

5 processed immediately when that item is

6 taken out of that supply room.

7 Q So let's talk about -- I've seen

8 the photographs of the truck at the last

9 deposition, and that's what you're

10 talking about when you say disciplinary

11 Number 2 was a safety and environmental,

12 as well as a P.M.S.C. violation.

13 A P.M.C.S., sir.

14 Q Yeah. Acronyms are --

15 A I understand. It's for

16 Preventative Maintenance and Check and

17 Service.

18 Q I want to discuss -- first of

19 all, is there a "Wall of Shame"?

20 A No, sir.

21 Q Something called a "Wall of

22 Shame"?

23 A People call it the "Wall of

1 Shame," but I put that wall up on all
2 safety violations and safety accidents.
3 On some of those items that we identify
4 on that wall, and that board up there,
5 not everybody gets written up on. It's
6 to keep people informed of incidents or
7 accidents that happen on the range, to
8 help them better prepare and be safe.
9 Q Okay.
10 A It's really not a "Wall of
11 Shame"; it's a safety board.
12 Q It's a nickname?
13 A It's a nickname that they have
14 given it.
15 Q They just use that to identify
16 it?
17 A Correct.
18 Q How bad was Mr. Hines injured?
19 A We took him to the dispensary.
20 He came back. He didn't require any
21 over-the-counter medication or any
22 prescription drugs at all. They just
23 bandaged his hand. I looked -- I saw his

1 target arms. People would come in the
2 supply room and take them out, and we
3 would spend hours trying to find out
4 where all these parts went that belonged
5 to the government. So we would have to
6 do accountability on them. We eventually
7 found them, but it would take a lot of
8 man-hours to find out where they went.
9 Q So who did the inventory of his
10 shed, the mannequin shed?
11 MS. REISS: Object to the form.
12 When?
13 Q On the -- in regards to the
14 disciplinary.
15 A Okay. The inventory was done by
16 a Gregory Clay, and he was required to do
17 10% inventory then.
18 Q And was he trained in doing
19 inventory?
20 A Yes, sir. He was a trained
21 Supply Sergeant in the military.
22 Q He works for the Army?
23 A No, sir. He works for Honeywell.

1 hand, and it just had a light reddish
2 color on it. That's all that was wrong
3 with his hand.
4 Q No residual effects?
5 A No residual effects.
6 Q How -- how many years, in your
7 best judgement, has Plaintiff been
8 delivering mannequins to the range,
9 approximately?
10 A Sir, Mr. Young did not deliver
11 mannequins. Well, I guess he would,
12 because he would have taken them in lots
13 of 35. It's when he took over the small
14 arms ranges, I would guess that is when
15 he started taking them, which I would
16 guess was approximately a year and a
17 half, maybe two years.
18 Q During that time period, had
19 there been any occasions where he had not
20 fulfilled his duties in delivering the
21 mannequins to the ranges?
22 A The mannequins were on the
23 ranges. However, because of the Six

1 He retired from the military, and now he
2 works for us.
3 Q Is there a procedure in
4 performing that inventory, as in how many
5 people are supposed to be present during
6 this inventory?
7 A No, sir. Not in this. He did
8 accountability of the inventory. When it
9 had come up short, he immediately called
10 Thomas Lavar, the Quality Control
11 Inspector, and said, "We need to go out
12 and look at this." And they both went
13 out there and looked at it, and it was
14 short mannequins.
15 Q So Mr. Lavar confirmed it?
16 A He confirmed that it was short
17 mannequins. The numbers on the cards
18 didn't match the number of mannequins in
19 the supply room.
20 Q And those two mannequins were
21 located in Mr. Young's truck?
22 A That is not true. The two
23 mannequins were placed on the range where

1 Sigma thing and the government wanting us
2 to keep up with accountability -- an
3 example was the MRF Range; we went up
4 there, and Mr. Young had to come back and
5 get target arms, because he didn't -- he
6 failed to do a proper accountability on
7 the target arms at a different range:
8 Modified Record Fire Range. We went out
9 and did the inventory, and he was short
10 target arms. I counseled him verbally on
11 that, and said, "Mr. Young, we cannot do
12 this. We have to keep our inventory
13 correct." And I reminded him that when
14 you take it out of there, you have to put
15 it on the 3318 card and sign out that
16 card immediately; you cannot just take it
17 out of there at random. And that was one
18 of the major problems we had at Honeywell
19 prior to the Six Sigma Team.
20 Q What was that problem?
21 A The problem was keeping up with
22 accountability of all the items: The
23 cards, not only mannequins, but cards and

1 Mr. Young had replaced two mannequins.
2 He had two mannequins that were shot up,
3 that he brought back and had left in his
4 truck.
5 Q Oh! Well, were they missing?
6 You see, I'm confused.
7 A No, sir. We had --
8 Q I thought they were all accounted
9 for, but they were just in the wrong
10 place.
11 A No, sir. You have to sign out
12 the mannequin when you take it out of
13 that supply room. No exceptions. And
14 Mr. Young knew that. He took them out.
15 We had to do the research to find out
16 where the mannequins were.
17 Q Where were they?
18 A They were on the targets at the
19 M.P.M.G. The Machine Gun Range.
20 Q So they weren't missing. I don't
21 mean to -- I'm the one that's confused
22 here.
23 A The card was not correct.

Page 37

1 Q The card was filled out wrong?

2 A The mannequins were taken out

3 without signing out for the mannequins.

4 Q Okay. Two mannequins were taken

5 out without signing for them, or all the

6 mannequins? Tell me what it was.

7 A It was short two mannequins. The

8 mannequins in the supply room and the

9 mannequins on the card did not match.

10 They were short two.

11 Q How could something like this

12 have happened? Did you all investigate

13 to find out? Or did you ask Mr. Young?

14 A Yes. Mr. Lavar asked Mr. Young.

15 Q Okay. And what was his answer?

16 A He took the mannequins out. He

17 said he took them out.

18 Q And didn't put it on the card?

19 A That's correct.

20 Q How many -- you see, this is

21 another thing that confused me. He just

22 took two out, or he took more than two

23 out? Did he miscount the total?

Page 40

1 stuff for the movers, and things like

2 that.

3 Q And is this an area where you

4 have -- "you," and I use that "you"

5 generically, meaning the employer. Do

6 you have shortages in the supply room

7 every year?

8 A Yes, sir. We used to have --

9 that's the reason for the Six Sigma

10 Greenbelt training, and that's why we

11 went through this procedure. Since the

12 Six Sigma training, we have not had

13 shortages in that supply room.

14 Q Are you -- do you know who

15 William Culpepper is?

16 A Yes, sir, I do.

17 Q Does he work for your company?

18 A He did work for Honeywell. Yes.

19 Q Did he drive a truck?

20 A Yes, sir, he did.

21 Q Was he under the same P.M.C.S.

22 rules as Mr. Young?

23 A Yes, sir, he was.

Page 38

1 A He was short two in the supply

2 room, versus what was on the card. I

3 don't have any idea how many mannequins

4 that he took out on the range that

5 morning.

6 Q Okay. What's your -- what's your

7 inference as to how this happened?

8 A I don't understand.

9 Q Well, what's your take as to how

10 you could make this mistake?

11 MS. REISS: I'm going to object

12 to the form. Asked and answered. He's

13 already answered the question once. Go

14 ahead. Go ahead.

15 A The reason it happened is because

16 he took too many mannequins, or he took

17 those mannequins out and he didn't sign

18 for them.

19 Q Does that reflect some type of

20 intentional misconduct? Or how would you

21 describe it?

22 A I'm not so sure it was

23 intentional. But I do believe he just

Page 41

1 Q Was he terminated?

2 A Yes, sir, he was.

3 Q Was he terminated for violating

4 company rules with regards to P.M.C.S.?

5 A He was terminated, or I

6 recommended termination for him for more

7 than that. It was numerous accounts that

8 I did it for.

9 Q How many P.M.C.S. violations did

10 he have before he was finally terminated?

11 A One.

12 Q What other violations did he

13 have?

14 A He had a safety violation for

15 pushing over a tree in the Aviation

16 Gunnery Range, which was not authorized.

17 Q What else, if you can just --

18 A He had a write-up for dispensing

19 fuel out of a fuel POD. He just turned

20 it open and let the fuel run out on the

21 ground.

22 Q Any other write-ups?

23 A I'm not exactly sure. I'd have

Page 39

1 was incompetent, and he just took those

2 out there, because he did the same thing

3 at the Modified Record Range. And I had

4 already counseled him about taking stuff

5 out of there, and he just -- he went in

6 there and got the mannequins and took

7 them out without signing for them. And

8 he was trained, Greenbelt Certified, Six

9 Sigma Certified, on how the procedures

10 worked. It's not that he wasn't trained

11 not to do this correctly.

12 Q When I use the phrase "supply

13 room in the bay area," do you know what

14 I'm talking about?

15 A Yes, sir, I do.

16 Q What is the supply room in the

17 bay area? Is that the main supply room?

18 A That is -- I would classify that

19 as the main supply room. And in there we

20 have expendable supplies and we also have

21 what they call prescribed load list of

22 extra parts for different areas on the

23 Aviation Gunnery Range, such as cards and

Page 42

1 to look in the records.

2 Q Do you recall the last write-up

3 before his termination?

4 A I do not recall. But I could

5 look at his records and find out. If you

6 have it, I --

7 Q (Shaking head in the negative.)

8 A Okay.

9 Q Okay. Do you have a step

10 disciplinary policy in the handbook?

11 A We could -- please clarify that.

12 What do you mean by "step"?

13 Q Does your disciplinary policy

14 call for an oral warning first, a written

15 warning, suspension, up to and leading to

16 termination? That's what I would define

17 as a step disciplinary policy.

18 A Yes, sir. We do have one

19 currently. Yes.

20 Q And did you follow that in Mr.

21 Young's case?

22 A Yes, sir, I did.

23 Q Does that policy also allow you

Page 43

1 just to, if the offense is serious
2 enough, to go straight to termination?
3 A Yes, sir, it does.
4 Q What type of an offense would be
5 serious enough to go straight to
6 termination?
7 A An offense would be if you
8 deliberately did not call your location
9 out on the range and you were barred from
10 the range because they didn't know where
11 you were. We have to keep radio contact.
12 A major safety violation. It's in the
13 Cardinal Safety Rules. I don't have them
14 in front of me. Fighting would be one of
15 them.
16 MS. REISS: Can we take a break
17 real quick?
18 MR. BENNITT: Yes, ma'am.
19 (At this point, the proceed-
20 ings were held in recess
21 and reconvened as
22 follows:)
23 Q (By Mr. Bennitt) Do you know

Page 46

1 Q So Mr. Waller scored higher on
2 the test than did Mr. Young?
3 A That is correct.
4 Q Okay. Did Mr. Hadley, who
5 received the job, have all the minimum
6 qualifications for the job?
7 A Yes. Mr. Hadley did have all the
8 minimum requirements for the job.
9 Q And they were what?
10 A You had to have a degree in
11 Electronics, and you had to have the
12 experience, background experience.
13 Q Okay. And did Mr. Young have all
14 the minimum qualifications for the
15 Electrical Tech job?
16 A Mr. Young did not have all the
17 minimum requirements. He did not have a
18 degree in Electronics.
19 Q Now, when you asked Mr. Young if
20 he wanted to take it any further with Pat
21 Little regarding the joke that Mr. Little
22 told him; did he want to take it any
23 further, beyond the apology?

Page 44

1 anything about what I'm going to call a
2 hay incident?
3 A Yes, sir, I do.
4 Q Tell me about that.
5 A The hay incident was not an
6 accountability issue; it was a re-order
7 issue. And I had to -- what happened
8 was, they had 200 bales of hay, and they
9 used all the hay, and they failed to re-order the hay
10 at the time. And we -- the
11 government is the one who orders the hay.
12 And the Contracting Officer's
13 representative, Joe Webers, did not order
14 the hay in a timely manner; therefore, we
15 ran out of hay at the time.
16 Q Joe Weber is white?
17 A Yes, sir. And he is a government
18 -- he is a government representative. He
19 has to do that.
20 Q He doesn't work for Honeywell?
21 A No, sir.
22 Q Was anyone -- did anyone from
23 Honeywell cause the problem? Anyone from

Page 47

1 A No, he did not. He said he
2 didn't want to create more problems than
3 were already on the range; that he did
4 not want to pursue it any further.
5 Q Did you counsel Pat Little about
6 the incident?
7 A Yes, I did.
8 Q What did you tell him in
9 counseling?
10 A I told him that it was totally
11 inappropriate for anybody at Honeywell to
12 be doing these kind of things. It's just
13 not -- Honeywell doesn't do that. And I
14 told him if the incident happened again,
15 that I would pursue it further.
16 Q What do you mean by "pursue it
17 further"?
18 A I would write him up and
19 recommend termination.
20 Q Now, you talked about Mr. Hines
21 and Mr. Young were both Junior Range
22 Techs. Is that correct?
23 A That's correct.

Page 45

1 Honeywell not order the hay?
2 A No, sir. We submitted the
3 request for the hay, and we didn't get
4 the hay in a timely manner.
5 Q From the government?
6 A Correct.
7 Q You say "government"; I say
8 "Army." The same thing?
9 A The same thing.
10 MR. BENNITT: Okay. I'm
11 finished.
12 MS. REISS: I've got a few
13 follow-ups.
14 EXAMINATION BY MS. REISS:
15 Q -- Mr. Bennitt started out asking
16 about the -- the Electrical Tech
17 position. Who actually scored the
18 highest on the test?
19 A Jerry Waller.
20 Q And did Mr. Waller take the job?
21 A No. Mr. Waller did not take the
22 job, even though he did have an
23 Electronics degree.

Page 48

1 Q Okay. Is their job performance
2 comparable?
3 A No, they're not comparable at
4 all.
5 Q Why not?
6 A Mr. Hines, every time he went out
7 on the range, Mr. Hines was working all
8 the time. When I would go out on the
9 range -- I'll just explain an incident
10 that went on. I went out on the range
11 with the Government Quality Control
12 Inspector, Bill Ray, who is now the Range
13 Chief, and we drove up behind Mr. Young,
14 and he was sitting in his truck. And the
15 perception from the government at that
16 time was that Mr. Young was not
17 performing his job. And the second time
18 we went out onto the Modified Record
19 Range, we had received a call that Mr.
20 Young was sitting in his truck, not
21 performing his work, while the grounds
22 people were out there helping him
23 complete his Preventative Maintenance and

Page 49

1 Checks and Services on that range. I
 2 actually went over there. We took
 3 approximately 10 to 15 minutes, and I
 4 went down on the range and knocked on the
 5 window before Mr. Young actually got out
 6 of the truck. I explained to him that
 7 the breaks were 8:00, 10:00 and 12:00. I
 8 mean, 8:00, 10:00 for lunch, and then
 9 twelve o'clock, unless it was Category 5,
 10 and then there was breaks on every hour.
 11 Category 5 means heat was very high. I
 12 asked him if he had a problem and he
 13 needed to get medical attention, where he
 14 had to sit in the truck, and he said no,
 15 he just needed a break. And these are
 16 the two incidents I'm personally aware
 17 of.
 18 Q Did you ever catch Mr. Hines just
 19 sitting in his truck when he was supposed
 20 to be working?
 21 A I have never caught Mr. Hines not
 22 working.
 23 Q Has Mr. Hines -- have you ever

Page 52

1 A No, I did not, because the log
 2 didn't justify it.
 3 Q Have you ever found Mr. Hines
 4 without his P.M.C.S. forms?
 5 A No, I have never found Mr. Hines
 6 without his Preventative Maintenance and
 7 Check sheets.
 8 Q Have you ever found Mr. Hines'
 9 truck in the condition it was in the
 10 pictures that we showed you of Mr.
 11 Young's truck?
 12 A I have never found Mr. Hines'
 13 truck in that condition.
 14 Q You stated, I believe, that a Mr.
 15 Gregory Clay did the inventory regarding
 16 the mannequins that led to Mr. Young's
 17 termination. Is that correct?
 18 A That is correct.
 19 Q What is the race of Mr. Clay?
 20 A He's black.
 21 Q I'll show you what we had marked
 22 as Exhibit "50" on the Plaintiff's
 23 deposition. (Tendered document.) Can

Page 50

1 gotten into an argument with Mr. Hines
 2 about work, or what he was supposed to do
 3 on the range, or --
 4 A No. I have never gotten in an
 5 argument with Mr. Hines.
 6 Q Have you ever gotten into an
 7 argument with Mr. Young about his work,
 8 or what he was supposed to be doing on
 9 the range, or his attitude?
 10 A I wouldn't say an argument. The
 11 thing is, in reference to the
 12 accountability, we have problems. And we
 13 discussed issues and why it was so
 14 important to keep up with the
 15 accountability of everything.
 16 Q Did the government ever come to
 17 you about Mr. Young's work performance,
 18 or talk to you about Mr. Young's work
 19 performance?
 20 A Yes. Mr. Lay did, and Ron
 21 Matthews, both.
 22 Q What did Mr. Lay say?
 23 A Mr. Lay, who used to work for

Page 53

1 you tell me -- now, part of this document
 2 is whited-out. But do you know what this
 3 document is?
 4 A This is a Performance Evaluation
 5 Summary given to us by the government,
 6 and that's 5% of our profit margin for
 7 Honeywell.
 8 Q Okay. And on this -- do you know
 9 who drafted this document?
 10 A Our Contracting Officer
 11 representative, Joe Webers.
 12 Q Okay. And it says here, "During
 13 the quarter, the P.M. --" Who is the
 14 P.M.?
 15 A That's me.
 16 Q "Made a difficult staffing
 17 termination that results in overall
 18 improved efficiency in the Range
 19 Maintenance area." What staffing
 20 termination is he referring to?
 21 A That's in reference to Mr.
 22 Young's termination.
 23 Q Has there been a change in morale

Page 51

1 Honeywell, said that he didn't think that
 2 Mr. Young was up to the performance
 3 standards that we felt we required.
 4 Q Was he asking you to fire Mr.
 5 Young?
 6 A No, he never did ask me to fire
 7 him.
 8 Q What was he asking you to do?
 9 A He was asking me to move Mr.
 10 Young out into the small arms ranges, so
 11 he would have more visibility -- the
 12 government would have more visibility of
 13 his work performance.
 14 Q What did Mr. Matthews say about
 15 Mr. Young?
 16 A Mr. Matthews told me that when
 17 the incident with the truck -- that was
 18 where Mr. Lay and I pulled up on him --
 19 he was waiting for me at the firing desk,
 20 and he wanted to bar Mr. Young from the
 21 range.
 22 Q And what was -- and did you bar
 23 Mr. Young from the range?

Page 54

1 since Mr. Young left Honeywell?
 2 A I feel like there's been a great
 3 change in morale.
 4 Q And how would you describe it?
 5 A I believe the people are working
 6 together and helping each other a lot
 7 more, and they don't mind getting in
 8 there and working together with each
 9 other.
 10 Q How is that related to Mr.
 11 Young's termination?
 12 A I believe it was because of the
 13 confrontation of the other people.
 14 Q What do you mean, "the
 15 confrontation"?
 16 A Within the Range Division itself.
 17 Range Maintenance Pool.
 18 Q I don't understand what you're
 19 saying. Confrontation amongst people
 20 with Mr. Young, or amongst people --
 21 A They were upset, I believe,
 22 because they had to pick up the slack on
 23 some of the jobs that he was not

Page 55

1 performing.
 2 Q That Mr. Young was not
 3 performing?
 4 A That is correct.
 5 Q Did you receive complaints from
 6 employees about the failure of Mr. Young
 7 to perform his job?
 8 A No, I did not.
 9 Q Did you hear of complaints?
 10 A Yes, I did.
 11 Q And who did you hear those from?
 12 A I heard it from Mr. Temple, the
 13 supervisor, when we'd have our staff
 14 meetings.
 15 Q Did Mr. Hines ever have more help
 16 with his range than did Mr. Young?
 17 A No, he did not. What we did was,
 18 all the quarterly maintenance had to be
 19 done by contract. So whenever a Small
 20 Arms Range Technician was falling behind,
 21 the full Range Maintenance Section would
 22 go out and help perform maintenance to
 23 make sure that nobody missed the

Page 58

1 C E R T I F I C A T E
 2
 3 STATE OF ALABAMA)
 4 JEFFERSON COUNTY)
 5 I, Winters O. Hope, Alabama CSR 104,
 6 and Notary Public for the State of Alabama at
 7 Large, do hereby certify that I recorded by
 8 means of shorthand the foregoing deposition of
 9 KENNETH A. ERICKSON at the time and place
 10 stated in the caption hereof. That said
 11 witness was first duly sworn to speak the
 12 truth. That later, under my supervision, the
 13 deposition was reduced to typewriting and the
 14 foregoing pages contain a full, true and
 15 correct transcript of the testimony of said
 16 witness on said occasion.
 17 I further certify that I am neither of
 18 counsel nor of kin to any parties of said
 19 cause, nor in any manner interested in the
 20 result thereof.
 21
 22
 23

Page 56

1 Preventative Maintenance and Checks and
 2 Service on all the equipment, to include
 3 the grounds crew. We'd send the grounds
 4 crew out to help mow the grass, and
 5 stuff, to help. Nobody was ever sent
 6 without help. We always help.
 7 Q Did Mr. Young ever complain to
 8 you he did not have enough help?
 9 A I believe he did. Yes.
 10 Q And what did you do?
 11 A We assured him that he would not
 12 be without help, and that his maintenance
 13 would be done, if we had to get him extra
 14 people.
 15 Q Did Mr. Hines actually have more
 16 helpers, though, than did Mr. Young?
 17 A No, he did not.
 18 Q Did you ever receive any reports
 19 or calls from H.R. regarding complaints
 20 that Mr. Young may have made to Honeywell
 21 H.R.?
 22 A No, I did not.
 23 Q Did you know Mr. Young before you

Page 59

1 C E R T I F I C A T E O F R E A S O N A B L E N E S S
 2 O F I N V O I C E
 3
 4 I hereby certify that I am the Court
 5 Reporter who has taken and transcribed the
 6 deposition of KENNETH A. ERICKSON, witness in
 7 the case cited in the caption hereof, and the
 8 following charges for said services are fair,
 9 reasonable and comparable charges to those of
 10 others in my profession in this State.
 11
 12 Per diem: _____ days \$ _____
 13 Original: _____ pgs. \$ _____
 14 Copy: _____ pgs. \$ _____
 15 Exhibits: _____ pgs. \$ _____
 16 Video: _____ hrs. \$ _____
 17 Postage/Parking: \$ _____
 18 Mileage: _____ mi. \$ _____
 19 Condensed Xscript: \$ _____
 20 Total: \$ _____
 21
 22
 23

Page 57

1 were hired at Honeywell?
 2 A No, I did not.
 3 Q Did you hear anything about him
 4 after you were hired?
 5 A I've heard some rumor controls.
 6 But I believe in whatever it is. I just
 7 treat everybody fair, and we start with a
 8 fresh slate.
 9 MS. REISS: That's all.
 10
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 12
 13 FURTHER THE DEPONENT SAITH NOT.
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Page 59

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 13
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 21
 22
 23

#104 [1] 1:18	accounted [1] 36:8	39:17 40:3 53:19	21:9 22:5 23:2	calls [1] 56:19
\$ [9] 59:12 59:13	accounts [1] 41:7	areas [1] 39:22	28:2 28:17 29:10	Calvin [5] 7:10
59:14 59:15 59:16	accurate [1] 19:17	argument [4] 50:1	29:23 32:12 32:23	9:17 15:3 16:15
59:17 59:18 59:19	Acronyms [1] 30:14	50:5 50:7 50:10	33:5 38:15 39:2	16:19
\$1,200 [1] 20:20	acting [1] 4:3	Arms [1] 55:20	43:10 52:1 54:12	cannot [3] 21:12
\$778 [1] 20:5	ACTION [1] 1:7	arms [9] 7:23 8:4	54:22	33:11 33:16
. [3] 4:14 4:18	actions [1] 12:5	24:2 32:14 33:5	BEFORE [1] 3:8	cans [1] 28:18
45:14	actually [7] 6:12	33:7 33:10 34:1	behind [2] 48:13	caption [2] 58:10
00 [5] 49:7 49:7	29:3 29:17 45:17	51:10	55:20	59:7
49:7 49:8 49:8	49:2 49:5 56:15	Army [7] 12:2	believe [11] 9:17	card [8] 30:4 33:15
02-CV-00563-SRW	Adams [1] 1:21	20:3 20:9 20:10	15:13 24:20 29:22	33:16 36:23 37:1
[1] 1:8	address [1] 17:2	20:23 34:22 45:8	38:23 52:14 54:5	37:9 37:18 38:2
1 [1] 1:8	advertised [2] 6:11	As [1] 27:21	54:12 54:21 56:9	Cardinal [1] 43:13
10 [3] 49:3 49:7	9:2	Asked [1] 38:12	57:6	cards [4] 33:23 33:23
49:8	After [1] 9:2	aspect [2] 26:21	belonged [1] 34:4	35:17 39:23
10% [3] 29:14 29:15	again [2] 23:1 47:14	26:22	BENNETT [4] 3:3	catch [1] 49:18
34:17	AGREED [4] 1:14	aspects [1] 26:8	10:23 43:18 45:10	Category [2] 49:9
1000 [1] 3:18	2:2 2:10 2:18	assign [1] 2:15	Bennitt [4] 3:11	49:11
104 [2] 4:2 58:5	agreed [1] 30:4	assumed [1] 23:3	11:3 43:23 45:15	caught [2] 12:6
11 [1] 4:7	ahead [4] 28:11	assuming [2] 15:7	Best [1] 20:17	49:21
12 [1] 49:7	29:16 38:14 38:14	24:8	best [3] 15:15 23:19	cause [3] 4:10 44:23
1278 [1] 1:21	al [1] 1:9	assured [1] 56:11	32:7	58:19
15 [1] 49:3	ALABAMA [2] 1:2	atmosphere [1] 17:14	better [3] 14:12	CDL [2] 15:3 15:6
1819 [1] 3:18	58:3	attempt [3] 19:12	26:2 31:8	Central [1] 4:8
2 [3] 28:13 29:6	Alabama [10] 1:18	21:14 22:8	between [1] 1:15	CERTIFICATE [1] 59:1
30:11	1:20 1:22 3:13	attention [1] 49:13	beyond [2] 21:10	Certification [1] 29:18
2% [1] 20:18	3:19 4:1 4:3	attitude [2] 17:13	46:23	Certified [3] 30:3
200 [1] 44:8	4:22 58:5 58:6	50:9	Bill [1] 48:12	39:8 39:9
2007 [2] 1:23 4:8	alike [1] 20:1	Attorney [3] 1:21	Birmingham [2] 3:13	certify [4] 4:4
27 [2] 4:8 25:17	allow [1] 42:23	3:12 3:15	3:19	58:7 58:17 59:4
27th [1] 1:23	always [2] 18:16	authority [1] 10:13	black [4] 5:16 9:18	change [2] 53:23
3 [1] 29:8	56:6	authorized [1] 41:16	11:9 52:20	54:3
3318 [1] 33:15	amongst [2] 54:19	automatically [1] 23:4	blower [2] 11:16	characterization [1] 28:8
35 [1] 32:13	54:20	Avenue [2] 1:22	28:20	charge [3] 7:22
35203 [1] 3:19	amount [1] 15:23	3:18	blowing [1] 29:2	11:21 20:5
35242 [1] 3:13	An [1] 43:7	average [1] 27:22	board [2] 31:4	charges [2] 59:8
36360 [1] 1:22	Andrews [1] 1:22	Aviation [2] 39:23	31:11	59:9
4 [1] 3:3	annotated [1] 23:13	41:15	Borders [2] 7:11	Check [3] 27:11
41 [1] 4:7	another [2] 25:14	award [5] 20:13	Both [1] 26:10	30:16 52:7
45 [2] 3:3 3:4	37:21	20:14 21:2 21:11	both [6] 6:13 9:7	check [1] 29:14
4898 [1] 3:12	answered [2] 38:12	21:12	26:7 35:12 47:21	Checks [5] 11:11
5 [2] 49:9 49:11	38:13	aware [1] 49:16	50:21	28:1 28:15 49:1
5% [1] 53:6	Any [1] 41:22	B [5] 3:2 3:15	box [1] 22:13	checks [1] 29:15
50 [1] 52:22	anybody [1] 47:11	4:18 4:18 45:14	boxes [1] 24:7	Chief [1] 48:13
57 [1] 3:4	Anyone [1] 44:23	back [7] 25:15 25:18	break [2] 43:16 49:15	Chris [7] 5:23 17:19
5th [1] 3:18	anyone [2] 44:22	25:21 25:23 31:20	breaks [2] 49:7	18:5 18:9 18:13
8 [2] 49:7 49:8	44:22	33:4 36:3	49:10	18:16 19:19
A. [4] 1:17 4:9	Anything [1] 14:21	back-charged [1] 20:7	brought [1] 36:3	cited [1] 59:7
58:9 59:6	apologize [1] 17:4	14:20 46:12	bunker [5] 19:2	CIVIL [1] 1:7
a.m [1] 4:7	apology [1] 46:23	bad [1] 31:18	19:7 19:20 22:7	Civil [1] 4:5
above [1] 4:9	appearance [1] 3:21	bales [1] 44:8	23:21	CK [4] 1:17 4:9
accidents [2] 31:2	APPEARANCES [1] 3:10	ball [1] 24:17	bunkers [7] 19:16	58:9 59:6
31:7	appearing [2] 3:13	31:23	19:17 19:21 19:23	clarify [3] 9:3
account [1] 11:19	3:19	bandaged [1] 51:22	21:21 24:1 24:3	14:8 42:11
Accountability [2] 27:19 29:8	apply [1] 6:8	bar [2] 51:20 51:22	C [3] 4:14 58:1	classification [1] 8:14
27:19 29:8	approved [1] 15:10	barred [1] 43:9	58:1	classify [1] 39:18
accountability [12] 11:18 11:23 29:12	Approximately [5] 9:20 9:21 20:20	based [1] 10:17	cab [3] 11:17 28:20	Clay [3] 34:16 52:15
29:20 33:2 33:6	23:19 23:20	bay [2] 39:13 39:17	29:1	52:19
33:22 34:6 35:8	approximately [3] 32:9 32:16 49:3	because [26] 6:1	call [10] 16:12 27:5	close [1] 7:4
44:6 50:12 50:15	area [5] 21:18 39:13	6:10 6:23 11:6	27:15 27:19 30:23	color [1] 32:2
		11:13 12:4 12:8	39:21 42:14 43:8	
		14:10 17:8 19:23	44:1 48:19	
			called [6] 7:15	
			7:16 8:10 27:7	
			30:21 35:9	

come [7] 7:4 15:8 18:15 33:4 34:1 35:9 50:16	Court [2] 2:7 59:4	disarray [1] 11:14	electricity [1] 14:19 29:21
comes [1] 29:13	cousin [1] 18:3	disciplinaries [3] 12:3 12:9 27:4	Electronics [3] 45:23
COMMISSIONER [1] 58:23	create [1] 47:2	disciplinary [6] 27:8 30:10 34:14 42:10 42:13 42:17	electronics [2] 13:19 14:19
Commissioner [3] 1:19 3:9 4:3	crew [2] 56:3 56:4	discipline [3] 22:18 22:21 23:1	elevation [1] 28:4
company [9] 12:2 20:2 20:4 20:10 20:12 20:22 21:1 40:17 41:4	cross-trained [1] 26:17	disciplined [1] 18:19	employed [1] 23:18
company's [2] 22:22 23:12	cross-training [1] 26:20	discover [1] 21:4	employees [1] 55:6
comparable [3] 48:2 48:3 59:9	crossing [1] 25:16	discovered [2] 11:15 12:5	employer [1] 40:5
complain [1] 56:7	CSR [3] 1:18 4:1 58:5	discuss [1] 30:18	employment [1] 4:21
complaint [1] 16:20	Culpepper [1] 40:15	discussed [2] 27:4 50:13	EN [4] 1:17 4:9 58:9 59:6
complaints [7] 16:7 16:8 16:17 17:10 55:5 55:9 56:19	CURLY [1] 1:5	dispensary [1] 31:19	end [1] 25:15
complete [1] 48:23	Curly [3] 3:22 5:14 5:16	dispensing [1] 41:18	enough [3] 43:2 43:5 56:8
compliance [1] 2:6	currently [2] 13:2 42:19	DISTRICT [2] 1:1 1:2	environmental [2] 28:16 30:11
Condensed [1] 59:19	customer [1] 30:1	DIVISION [1] 1:3	equipment [3] 28:3 29:13 56:2
condition [2] 52:9 52:13	D [1] 3:1	Division [1] 54:16	ER [4] 1:17 4:9 58:9 59:6
confirmed [2] 35:15 35:16	d [1] 18:4	document [4] 52:23 53:1 53:3 53:9	Erickson [1] 4:20
Confrontation [1] 54:19	dangerous [1] 29:1	doing [7] 9:23 23:4 25:22 26:8 34:18 47:12 50:8	error [6] 21:6 21:22 22:3 22:5
confrontation [2] 54:13 54:15	date [4] 4:4 6:4 17:1 25:8	done [4] 4:11 34:15 55:19 56:13	ET [4] 1:17 4:9 58:9 59:6
confronted [1] 17:22	Daylight [1] 4:8	down [4] 13:16 15:4 15:8 49:4	et [1] 1:9
confused [3] 36:6 36:21 37:21	Deakins [1] 3:16	drafted [1] 53:9	ethic [1] 18:18
consider [1] 26:4	decision [6] 5:18 10:8 10:16 10:17 10:22 12:20	drive [1] 40:19	Evaluation [1] 53:4
considered [2] 17:13 26:1	decision-making [3] 10:13 12:12 12:15	dropped [1] 24:17	event [1] 28:2
contact [1] 43:11	Defendant [1] 3:23	drove [1] 48:13	eventually [1] 34:6
contain [1] 58:14	Defendants [2] 1:10 3:20	drugs [1] 31:22	Every [1] 18:15
contract [3] 7:5 29:11 55:19	define [1] 42:16	duly [2] 4:15 58:11	every [6] 18:15 26:21 26:21 40:7 48:6 49:10
Contracting [3] 15:5 44:12 53:10	definitely [1] 17:7	During [2] 32:18 53:12	everybody [2] 31:5
contracts [1] 7:5	degree [4] 13:19 45:23 46:10 46:18	during [1] 35:5	everything [2] 28:19 50:15
Control [5] 11:10 25:19 28:22 35:10 48:11	deliberately [1] 43:8	duties [5] 5:2 5:6 5:9 5:10 32:20	evidence [1] 2:17
controls [1] 57:5	deliver [1] 32:10	E [16] 1:17 3:1 3:2 3:2 4:9 4:14 4:14 4:14 4:18 4:18 45:14 45:14 58:1 58:1 58:9 59:6	exact [4] 15:19 15:20 17:1 25:8
Copy [1] 59:14	delivering [2] 32:8 32:20	each [6] 7:6 26:17 29:15 29:15 54:6 54:8	exactly [6] 10:14 19:18 20:1 21:13 21:16 41:23
Corporate [2] 10:11 13:7	denied [1] 15:6	e [2] 18:4 18:4	examination [1] 4:10
Correct [6] 9:9 9:14 24:7 24:18 31:17 45:6	DEPONENT [1] 57:13	each [6] 7:6 26:17 29:15 29:15 54:6 54:8	examined [1] 4:16
correctly [1] 39:11	deposition [11] 1:16 2:3 2:4 2:16 2:19 17:23 30:9 52:23 58:8 58:13 59:6	earlier [1] 27:5	example [1] 33:3
Could [1] 14:23	depositions [1] 2:8	education [1] 14:16	except [1] 2:12
counsel [6] 1:16 2:11 2:13 4:6 47:5 58:18	describe [2] 38:21 54:4	effect [2] 2:5 9:22	exceptions [1] 36:13
counseled [2] 33:10 39:4	description [2] 26:10 26:11	effects [2] 32:4 32:5	Exhibit [1] 52:22
counseling [1] 47:9	designation [3] 7:13 7:19 8:9	efficiency [1] 53:18	Exhibits [1] 59:15
COUNTY [1] 58:4	desk [1] 51:19	either [2] 24:13	expendable [1] 39:20
COURT [1] 1:1	diem [1] 59:12	Electrical [2] 45:16 46:15	experience [4] 14:17 14:19 46:12 46:12
	different [3] 21:10 33:7 39:22	Electrician's [1] 12:22	expert [1] 21:20
	difficult [1] 53:16		explain [2] 16:13 48:9
	Dirty [2] 27:15 28:6		explained [1] 49:6
	dirty [1] 28:8		extent [1] 10:20
			extra [2] 39:22 56:13
			extremely [2] 29:1
			F [1] 58:1
			failed [2] 33:6 44:9
			failure [2] 22:2 55:6
			fair [2] 57:7 59:8
			falling [1] 55:20
			familiar [2] 18:9 21:19
			fault [3] 20:22 22:22 23:12
			Federal [2] 3:17 4:5
			fee [4] 20:13 20:14 21:2 21:12
			feel [1] 54:2
			fees [1] 21:11
			felt [1] 51:3
			few [1] 45:12
			Fighting [1] 43:14
			figure [2] 15:19 15:20
			fill [1] 6:2
			filled [2] 6:9 37:1
			filthy [1] 28:18
			final [1] 10:12
			finally [1] 41:10
			find [6] 13:14 34:3 34:8 36:15 37:13 42:5
			fined [6] 12:2 20:9 20:10 20:12 20:22 21:1
			finished [1] 45:11
			Fire [1] 33:8
			fire [2] 51:4 51:6
			firing [1] 51:19
			firm [1] 3:16
			flag [1] 25:22
			Flowers [6] 7:10 9:17 9:23 15:3 16:15 16:19
			follow [2] 22:2 42:20
			follow-ups [1] 45:13
			following [3] 4:11 22:5 59:8
			follows [2] 4:16 43:22
			FOR [1] 1:2
			force [1] 2:5
			foregoing [3] 4:6 58:8 58:14
			formal [1] 2:20
			former [4] 8:10 9:12 10:1 10:4
			forms [1] 52:4
			Fort [1] 4:22
			forward [1] 10:10
			found [5] 34:7 52:3 52:5 52:8 52:12

four [1] 21:4	H.R. [1] 56:21	Hines [8] 8:10	inside [3] 11:17	Kenneth [1] 4:20
fourth [1] 18:3	Had [1] 23:21	8:21 9:12 9:20	28:19 28:20	kin [1] 58:18
fresh [1] 57:8	Hadley [9] 12:21	10:1 18:10 52:8	Inspector [5] 11:10	kind [4] 14:10 17:9
friends [1] 18:7	13:1 13:21 14:12	52:12	12:6 25:19 35:11	19:8 47:12
From [1] 45:5	14:14 14:18 16:3	hire [1] 13:6	48:12	knew [4] 18:1 23:3
front [2] 25:10 43:14	46:4 46:7	13:5 57:1 57:4	intent [1] 13:13	24:6 36:14
fuel [4] 28:20 41:19 41:20	half [1] 32:17	hired [5] 13:1 13:3	intentional [2] 38:20	knocked [1] 49:4
fulfilled [1] 32:20	hand [3] 31:23 32:1	13:5 57:1 57:4	38:23	KS [4] 1:17 4:9
full [5] 2:5 11:16 28:20 55:21 58:14	handbook [1] 42:10	hiring [4] 9:22	interested [1] 58:19	58:9 59:6
fumes [1] 29:2	hanging [1] 25:20	14:20 16:9 16:11	interview [4] 14:2	L [2] 1:13 3:23
FURTHER [3] 2:1	happen [1] 31:7	HONEYWELL [1] 1:8	14:6 14:7 14:12	lack [1] 26:2
2:9 57:13	happened [7] 21:7	Honeywell [19] 4:22	inventory [10] 33:9	Large [3] 1:20
further [8] 17:6	25:11 37:12 38:7	12:5 12:7 17:8	33:12 34:9 34:15	4:3 58:7
19:13 46:20 46:23	38:15 44:7 47:14	17:14 18:12 33:18	34:17 34:19 35:4	last [3] 11:17 30:8
47:4 47:15 47:17	hard [1] 15:1	34:23 40:18 44:20	35:6 35:8 52:15	42:2
58:17	Has [3] 18:19 49:23	44:23 45:1 47:11	investigate [1] 37:12	later [2] 7:2 58:12
G [1] 3:2	53:23	47:13 51:1 53:7	investigation [4] 19:13 21:3 22:15	Lavar [6] 11:9
g [2] 18:4 18:4	Have [3] 50:6 52:3	54:1 56:20 57:1	22:17	11:15 29:4 35:10
gas [3] 11:16 11:16	52:8	HOPE [1] 59:23	INVOICE [1] 59:2	35:15 37:14
28:19	having [2] 4:15	Hope [4] 1:18 3:9	involved [1] 29:19	Law [3] 1:21 3:12
gave [2] 16:3 27:8	11:10	4:1 58:5	involving [1] 16:18	3:16
generically [1] 40:5	hay [11] 44:2 44:5	hour [1] 49:10	Iraq [1] 7:1	laws [1] 2:6
gets [1] 31:5	44:8 44:9 44:9	hours [1] 34:3	issuance [1] 2:19	Lay [4] 50:20 50:22
getting [1] 54:7	44:11 44:14 44:15	However [2] 25:12	issue [4] 14:17 17:2	50:23 51:18
give [6] 7:2 12:18	45:1 45:3 45:4	however [1] 14:1	44:6 44:7	leading [2] 2:13
14:9 15:21 17:6	hazard [1] 28:17	hrs [1] 59:16	issues [1] 50:13	42:15
28:12	head [1] 42:7	hurt [1] 21:15	item [1] 30:5	led [1] 52:16
given [10] 11:7	Headquarters [2] 10:12 13:7	IC [4] 1:17 4:9	items [2] 31:3 33:22	left [3] 11:13 36:3
11:8 13:8 13:10	hear [3] 55:9 55:11	idea [1] 38:3	itself [2] 7:18 54:16	54:1
15:11 15:12 15:13	57:3	identical [2] 26:23	JEFFERSON [1] 58:4	license [2] 15:4
21:12 31:14 53:5	heard [2] 55:12 57:5	27:2	Jeffrey [1] 3:11	15:7
giving [1] 19:15	heat [1] 49:11	identically [1] 26:6	Jerry [4] 3:23 17:20	light [1] 32:1
Go [3] 28:11 38:13	held [1] 43:20	identify [2] 31:3	18:4 45:19	limited [1] 17:16
gotten [4] 14:23	help [11] 6:16 7:4	31:15	job [26] 5:18 5:22	limiting [1] 14:11
50:1 50:4 50:6	31:8 55:15 55:22	immediately [3] 30:5	6:5 6:8 6:13	list [1] 39:21
Government [3] 12:6	56:4 56:5 56:6	33:16 35:9	6:14 6:21 8:3	Little [6] 16:21
25:18 48:11	56:6 56:8 56:12	important [2] 29:21	10:1 10:5 15:12	17:3 17:3 46:21
government [21] 13:17	helper [1] 6:22	50:14	16:3 18:15 26:6	46:21 47:5
15:10 20:8 21:6	helpers [5] 6:18	improved [1] 53:18	26:9 26:11 26:18	load [1] 39:21
27:23 28:3 29:12	7:2 7:8 8:4	inappropriate [1] 47:11	45:20 45:22 46:5	located [1] 35:21
29:13 29:22 29:23	56:16	incident [12] 20:3	46:6 46:8 46:15	location [1] 43:8
33:1 34:5 44:11	helping [2] 48:22	20:11 21:2 21:15	48:1 48:17 55:7	lock-out [8] 19:6
44:17 44:18 45:5	54:6	23:2 25:5 44:2	jobs [5] 6:13 9:8	19:15 21:8 21:14
45:7 48:15 50:16	hereby [2] 58:7	44:5 47:6 47:14	26:22 27:2 54:23	21:20 22:6 22:9
51:12 53:5	59:4	48:9 51:17	Joe [4] 1:21 44:13	24:6
grass [1] 56:4	hereof [2] 58:10	incidents [2] 31:6	44:16 53:11	locked [2] 22:12
great [1] 54:2	59:7	49:16	joke [2] 16:21 46:21	22:13
Greenbelt [4] 29:18	high [1] 49:11	include [1] 56:2	judgement [7] 15:16	log [1] 52:1
30:3 39:8 40:10	high-voltage [1] 21:18	incompetent [1] 39:1	15:21 20:17 22:1	long [1] 23:17
Gregory [4] 7:11	higher [4] 13:20	Indicated [1] 5:15	22:4 23:19 32:7	look [5] 15:18 25:9
7:11 34:16 52:15	13:23 14:2 46:1	individual [2] 13:14	Junior [5] 5:19	35:12 42:1 42:5
ground [1] 41:21	highest [1] 45:18	25:14	7:16 8:11 26:8	looked [2] 31:23
grounds [4] 2:15	Highway [1] 25:16	individuals [2] 16:10	47:21	35:13
48:21 56:3 56:3	Hines [29] 5:23	19:22	Just [2] 15:21 17:17	lose [4] 12:7 20:2
guess [5] 15:23 16:1	8:3 8:11 9:6	inference [1] 38:7	justify [1] 52:2	20:4 20:16
32:11 32:14 32:16	10:3 17:19 18:5	informed [3] 16:10	K [6] 1:17 4:9	lost [1] 20:14
Gun [1] 36:19	18:13 18:16 19:19	25:21 31:6	4:14 4:14 58:9	lot [2] 34:7 54:6
Gunnery [4] 6:14	20:21 23:17 24:10	ings [1] 43:20	59:6	lots [1] 32:12
8:19 39:23 41:16	24:12 25:5 26:5	injured [1] 31:18	KE [4] 1:17 4:9	lunch [1] 49:8
H [5] 1:17 4:9	31:18 47:20 48:6	Input [1] 10:23	58:9 59:6	M [5] 3:2 4:18
4:14 58:9 59:6	48:7 49:18 49:21	input [4] 10:7 10:9	keep [7] 11:22 29:16	4:18 45:14 45:14
H.R. [1] 56:19	49:23 50:1 50:5	12:12 12:14	31:6 33:2 33:12	M.P.M.G [1] 36:19
	52:3 52:5 55:15		43:11 50:14	ma'am [1] 43:18
	56:15		keeping [1] 33:21	Machine [1] 36:19

Case 1:06-cv-00563-SRW Document 24-25 Filed 05/01/2017 Page 14 of 17

Made [1]	53:16	military [2]	34:21	nickname [2]	31:12	orders [1]	44:11	person [1]	5:22
made [11]	2:11	35:1		31:13		Original [1]	59:13	personally [1]	49:16
10:16	10:17	11:4		NN [4]	1:17 4:9	other's [1]	26:18	pgs [3]	59:13 59:14
11:6	16:8	16:20		58:9	59:6	others [2]	23:15	59:15	
17:3	21:23	22:4		Nobody [1]	56:5	Our [1]	53:10	photographs [1]	30:8
56:20				nobody [1]	55:23	our [6]	21:11 29:11	phrase [1]	39:12
main [2]	39:17	39:19		nomenclature [2]	7:15 8:17	29:23 33:12	53:6	pick [1]	54:22
maintain [2]	28:3			nor [2]	58:18 58:19	55:13		pictures [1]	52:10
29:11				North [1]	3:18	outstanding [1]	18:14	piece [1]	20:6
maintaining [1]	27:6			NOT [1]	57:13	over [11]	6:4 6:20	pipe [5]	25:12 25:13
Maintenance [12]				Notary [3]	1:19	8:3 9:12	9:19	25:15	25:17 25:20
7:3	11:11	27:11		4:2	58:6	16:3	17:3 20:2	Place [1]	3:18
28:1	28:15	30:16		notice [1]	2:20	32:13	41:15 49:2	place [5]	4:21 8:21
48:23	52:6	53:19		Now [2]	46:19 47:20	over-the-counter [1]	31:21	9:7	36:10 58:9
54:17	55:21	56:1		Number [4]	28:13 30:11	overall [1]	53:17	placed [2]	6:1
maintenance [4]	7:22			29:6	29:8	own [1]	28:13	35:23	
55:18	55:22	56:12		number [1]	35:18	Ozark [1]	1:22	Plaintiff [7]	1:6
major [2]	33:18			numbers [1]	35:17	P [2]	1:13 3:2	3:14	3:22 5:11
43:12				numerous [1]	41:7	P.C [1]	3:17	5:17	16:6 32:7
man-hours [1]	34:8			o'clock [1]	49:9	P.M [3]	27:5 27:7	Plaintiff's [1]	52:22
Manager [3]	5:1			Object [1]	34:11	53:13		plant [1]	26:15
5:3	5:8			object [4]	8:22 38:11	P.M. [1]	53:14	Please [1]	14:8
mannequin [2]	34:10			objections [2]	2:11	P.M.A.C [1]	27:12	please [3]	4:19
36:12				objective [3]	14:3	P.M.C.S [6]	27:13	9:4	42:11
mannequins [27]				14:4	14:7	27:14	30:13 40:21	plus [1]	6:14
11:20	32:8	32:11		occasion [1]	58:16	41:9	52:4	POD [1]	41:19
32:21	32:22	33:23		occasions [1]	32:19	P.M.C.S. [2]	27:21	point [2]	9:11 43:19
35:14	35:17	35:18		occur [1]	25:6	41:4		policy [4]	42:10
35:20	35:23	36:1		occurred [2]	23:18	P.M.S.C [1]	30:12	42:13	42:17 42:23
36:2	36:16	37:2		25:7		pages [1]	58:14	Pool [1]	54:17
37:3	37:4	37:6		Of [1]	15:15	paint [1]	28:18	position [14]	5:20
37:7	37:8	37:9		off-color [1]	16:21	papers [1]	6:7	6:1	6:10 6:12
37:16	38:3	38:16		offense [7]	26:2	part [1]	53:1	9:12	12:22 13:1
38:17	39:6	52:16		26:3	26:4 27:22	particular [2]	19:20	13:3	13:4 13:9
manner [3]	44:14			43:1	43:4	22:7		13:13	13:16 13:22
45:4	58:19			offered [1]	2:16	parties [3]	1:15	45:17	
many [9]	6:18	7:8		office [1]	16:13	2:14	58:18	Postage/Parking [1]	59:17
18:21	32:6	35:4		Officer [1]	53:10	parts [2]	34:4 39:22	precisely [1]	10:15
37:20	38:3	38:16		Officer's [2]	15:5	Pat [5]	16:21 17:2	prepare [1]	31:8
41:9				44:12		17:3	46:20 47:5	prescribed [1]	39:21
March [2]	1:23			offices [1]	1:20	People [2]	30:23	prescription [1]	31:22
4:8				Ogletree [1]	3:16	34:1		present [2]	10:3
margin [1]	53:6			ON [4]	1:17 4:9	people [9]	30:3	35:5	
marked [1]	52:21			58:9	59:6	31:6	35:5 48:22	Preventative [8]	11:11
match [2]	35:18			On [2]	31:3 34:13	54:5	54:13 54:19	27:10	28:1 28:14
37:9				once [2]	21:11 38:13	54:20	56:14	30:16	48:23 52:6
Matthews [3]	50:21			One [2]	3:17 41:11	Per [1]	59:12	56:1	
51:14	51:16			ones [1]	8:6	percentages [1]	20:14	prior [2]	2:17 33:19
may [3]	1:17	2:14		only [4]	11:4 17:21	perception [1]	48:15	probably [1]	25:2
56:20				28:17	33:23	perform [7]	22:9	probation [2]	23:6
maybe [1]	32:17			onto [1]	48:18	26:6	26:23 27:1	23:10	
mean [8]	5:13	21:23		open [1]	41:20	29:15	55:7 55:22	problem [4]	33:20
27:14	36:21	42:12		opened [1]	29:1	Performance [1]	53:4	33:21	44:23 49:12
47:16	49:8	54:14		Operator [1]	6:23	performance [6]	18:10	problems [3]	33:18
meaning [1]	40:5			opinion [1]	22:4	48:1	50:17 50:19	47:2	50:12
means [2]	49:11			opportunity [2]	13:9	51:2	51:13	Procedure [1]	4:5
58:8				oral [2]	4:10 42:14	performing [7]	6:21	procedure [4]	22:2
medical [1]	49:13			order [3]	29:16 44:13	10:4	35:4 48:17	23:5	35:3 40:11
medication [1]	31:21					48:21	55:1 55:3	procedures [6]	11:19
meet [2]	7:6	13:11				period [2]	17:12	19:16	19:23 21:9
meetings [1]	55:14							22:5	39:9
mentioned [2]	18:2							proceed [1]	43:19
20:13									
mi [1]	59:18								
MIDDLE [1]	1:2								
Mileage [1]	59:18								

Process [1]	29:18	43:9	43:10	47:3	43:16	45:12	57:9	28:16	30:11	31:2	side [1]	7:9
process [7]	9:22	48:7	48:9	48:10	Reiss [1]	3:15		31:2	31:11	41:14	Sigma [6]	30:3
12:13	12:15	14:20	49:1	49:4	50:3	related [3]	17:20	43:12			33:1	33:19
16:9	16:11	29:21	50:9	51:21	51:23	18:5	54:10	SAITH [1]	57:13		40:9	40:12
processed [1]	30:5		55:16			relating [1]	2:7	Same [2]	5:9	5:10	sign [3]	33:15
profession [1]	59:10					relationship [2]	18:2	same [14]	2:5		38:17	36:11
profit [1]	53:6					19:9		8:14	11:3	17:16	signature [1]	2:2
Project [3]	5:1					relegate [1]	28:4	19:18	26:6	26:10	signing [3]	37:3
5:3	5:8					relevant [1]	26:22	26:12	26:15	27:2	37:5	39:7
promote [2]	12:21					reminded [1]	33:13	39:2	40:21	45:8	signs [1]	19:21
13:2						removed [1]	23:15	45:9			Since [1]	40:11
proper [2]	19:22					repaired [1]	20:6	Sandra [1]	3:15		since [2]	19:20
33:6						replaced [1]	36:1	saying [1]	54:19		54:1	
properly [4]	19:6					report [1]	22:14	says [1]	53:12		Sir [5]	5:13
21:8	22:6	22:23				Reporter [1]	59:5	scattered [1]	28:18		24:11	17:21
provided [1]	4:4					reports [1]	56:18	score [2]	13:20	14:1	24:20	32:10
Public [3]	1:19					representative [4]	15:5	scored [4]	13:23		sir [55]	6:9
4:2	58:6					15:5	44:13	14:12	45:17	46:1	8:13	10:9
pulled [1]	51:18					53:11		screwdriver [1]	21:17		12:10	12:19
pursue [5]	17:5					request [1]	45:3	second [5]	11:13		13:10	13:23
17:7	47:4	47:15				require [1]	31:20	14:17	25:5	27:15	14:22	15:2
47:16						required [6]	13:18	48:17			16:8	16:16
pushing [1]	41:15					24:9	29:11	Section [2]	7:4		17:18	18:8
putting [1]	25:22					34:16	51:3	55:21			18:13	18:20
qualifications [2]						requirement [1]	13:18	sections [1]	5:4		22:16	22:20
46:6	46:14					requirements [7]	7:6	see [3]	25:9	36:6	23:9	23:13
qualified [2]	5:17					7:6	13:12	37:20			24:8	24:23
5:19						14:15	14:16	seen [1]	30:7		27:17	27:20
Quality [5]	11:10					46:17		secs [1]	27:23		30:13	30:20
25:19	28:22	35:10				research [1]	36:15	selected [1]	16:12		34:23	35:7
48:11						residual [2]	32:4	Sellers [1]	7:12		36:11	39:15
quarter [2]	7:7					32:5		send [1]	56:3		40:16	40:20
53:13						respective [1]	1:16	sent [1]	56:5		41:2	42:18
quarterly [2]	21:11					result [1]	58:20	Sergeant [1]	34:21		43:3	44:3
55:18						results [1]	53:17	serious [10]	19:9		44:21	45:2
question [8]	8:2					retired [1]	35:1	19:11	26:2	27:22	sit [1]	49:14
9:4	9:10	11:4				RI [4]	1:17	28:2	28:5	29:7	sitting [3]	48:14
14:11	17:16	18:17				58:9	59:6	29:10	43:1	43:5	48:20	49:19
38:13						Right [4]	9:13	Service [2]	30:17		situation [2]	17:22
questions [3]	2:12					23:8	24:14	56:2			30:2	
2:13	14:4					Road [1]	3:12	Services [5]	11:12		Six [6]	30:2
quick [1]	43:17					Robert [2]	12:21	27:11	28:2	28:15	33:19	30:8
quote [1]	15:19					12:23		49:1			40:12	40:9
R [4]	4:14	4:18				Rodney [1]	7:12	services [1]	59:8		six [2]	9:21
45:14	58:1					Ron [1]	50:20	Shaking [1]	42:7		skills [1]	14:5
race [7]	5:11	5:13				room [13]	11:20	shall [2]	2:10	27:5	slack [1]	54:22
5:21	9:16	16:6				30:6	34:2	Shame [4]	30:19		slate [1]	57:8
16:18	52:19					36:13	37:8	30:22	31:1	31:11	slot [1]	6:2
racial [1]	17:13					39:13	39:16	shed [2]	34:10	34:10	Small [1]	55:19
radio [1]	43:11					39:19	40:6	sheet [1]	11:12		small [5]	7:23
raise [2]	15:12	15:14				Rucker [1]	4:22	sheets [1]	52:7		24:1	32:13
ran [1]	44:15					Rules [2]	4:5	short [7]	33:9	35:9	51:10	
random [1]	33:17					43:13		37:10	38:1	37:7	Smoak [1]	3:17
Range [2]	5:20					rules [4]	2:7	shortages [2]	40:6		SO [4]	1:17
6:14	7:3	7:16				40:22	41:4	shot [1]	36:2		58:9	59:6
8:11	8:19	26:8				rumor [1]	57:5	shorted [1]	19:1		solution [1]	15:9
33:3	33:8	36:19				run [1]	41:20	shorthand [1]	58:8		SOLUTIONS [1]	
39:3	39:23	41:16				S [6]	1:13	shortly [1]	25:7		1:9	
47:21	48:12	48:19				4:14	45:14	shot [1]	36:2		somebody [2]	9:11
53:18	54:16	54:17				45:14		should [1]	25:2		24:17	
55:20	55:21					safe [1]	31:8	shouldn't [1]	16:1		someone [1]	16:11
range [26]	5:5					Safety [1]	43:13	show [2]	19:22	52:21	Something [1]	30:21
7:9	7:14	7:18				safety [11]	19:3	showed [1]	52:10		something [2]	18:2
8:10	8:18	16:22				19:4	19:5				37:11	
25:13	31:7	32:8									Sorry [1]	27:14
33:7	35:23	38:4									sorry [2]	6:20
											10:23	
											source [1]	17:20
											SOUTHERN [1]	
											1:3	

speak [1] 58:11	3:2 4:14 4:18	TH [4] 1:17 4:9	truck [23] 11:17	Wall [4] 30:19 30:21
spend [1] 34:3	4:18 4:18 45:14	58:9 59:6	25:16 25:18 25:20	30:23 31:10
spot [1] 9:20	58:1 58:1	THE [3] 1:1 1:2	27:6 27:7 28:9	wall [2] 31:1 31:4
spotted [1] 25:19	tag-out [8] 19:6	57:13	28:17 28:19 29:2	Waller [4] 45:19
staff [1] 55:13	19:15 21:8 21:14	there's [1] 54:2	30:8 35:21 36:4	45:20 45:21 46:1
staffing [2] 53:16	21:20 22:7 22:9	thereafter [1] 25:7	40:19 48:14 48:20	want [6] 15:18 15:22
53:19	24:6	therefore [1] 44:14	49:6 49:14 49:19	30:18 46:22 47:2
standards [1] 51:3	tagged [1] 22:12	thereof [1] 58:20	51:17 52:9 52:11	47:4
start [1] 57:7	take [14] 6:4 9:12	thereto [1] 2:17	true [2] 35:22 58:14	wanted [3] 17:5
started [6] 6:21	9:19 33:14 33:16	they're [1] 48:3	truth [1] 58:12	46:20 51:20
24:1 26:19 30:2	34:2 34:7 36:12	things [2] 40:1	try [1] 13:9	wanting [1] 33:1
32:15 45:15	38:9 43:16 45:20	47:12	trying [1] 34:3	warning [2] 42:14
STATE [1] 58:3	45:21 46:20 46:22	think [1] 51:1	turned [1] 41:19	42:15
State [6] 1:19 4:2	taken [8] 1:17 2:19	third [1] 27:18	twelve [1] 49:9	wasn't [5] 21:7
4:19 5:11 58:6	23:10 30:6 32:12	Thomas [3] 11:9	Two [2] 18:22 37:4	22:6 22:23 24:16
59:10	37:2 37:4 59:5	11:15 35:10	two [12] 23:20 32:17	39:10
state [2] 5:13 10:14	taking [4] 2:7	though [4] 13:11	35:20 35:22 36:1	We'd [1] 56:3
stated [2] 52:14	25:13 32:15 39:4	24:14 45:22 56:16	36:2 37:7 37:10	we'd [1] 55:13
58:10	talk [3] 16:18 30:7	thought [1] 36:8	37:22 37:22 38:1	Weber [1] 44:16
STATES [1] 1:1	talked [2] 15:4	three [9] 10:18 11:7	type [2] 38:19 43:4	Webers [2] 44:13
step [3] 42:9 42:12	47:20	12:1 12:8 14:9	typewriting [1] 58:13	53:11
42:17	Talking [1] 27:3	17:11 17:17 21:4	U [1] 1:13	weeks [1] 9:21
Stewart [1] 3:17	talking [3] 9:1	27:3	Uh-huh [1] 5:15	went [14] 15:4
sticking [2] 25:15	30:10 39:14	through [2] 1:15	under [4] 26:12	33:3 33:8 34:4
25:17	target [4] 33:5	40:11	26:15 40:21 58:12	34:8 35:12 39:5
still [2] 9:23 10:4	33:7 33:10 34:1	Time [1] 4:8	understand [4] 8:23	40:11 48:6 48:10
STIPULATED [4] 1:14 2:1 2:9	targets [1] 36:18	timely [2] 44:14	30:15 38:8 54:18	48:10 48:18 49:2
2:18	tasked [1] 27:1	45:4	understood [3] 21:6	49:4
stipulation [1] 4:6	taught [1] 24:11	times [2] 18:21 18:22	21:17 29:20	weren't [1] 36:20
straight [2] 43:2	teach [2] 23:14 24:9	title [1] 4:23	UNITED [1] 1:1	whatever [1] 57:6
43:5	Team [2] 30:3 33:19	together [2] 54:6	unless [1] 49:9	whenever [1] 55:19
stuff [3] 39:4 40:1	Tech [5] 5:20 7:17	54:8	upset [1] 54:21	Where [1] 36:17
56:5	8:11 45:16 46:15	told [6] 16:4 16:22	use [3] 31:15 39:12	whereupon [1] 4:10
subjective [1] 14:7	Technician [2] 26:9	46:22 47:10 47:14	40:4	whether [2] 18:6
submitted [1] 45:2	TECHNOLOGY [1] 1:8	51:16	used [4] 23:14 40:8	19:9
such [1] 39:23	Techs [1] 47:22	tolerate [1] 17:9	44:9 50:23	which [6] 11:8
Suite [1] 3:18	Tell [5] 5:21 18:23	too [2] 15:9 38:16	Valleydale [1] 3:12	14:16 21:3 29:18
Summary [1] 53:5	21:13 37:6 44:4	took [19] 5:22 6:20	vehicle [2] 11:12	32:15 41:16
supervise [1] 5:4	tell [2] 47:8 53:1	8:3 8:21 9:6	11:14	while [2] 9:8 48:21
supervision [1] 58:12	Temple [12] 3:23	21:3 31:19 32:13	verbally [1] 33:10	white [2] 5:23 44:16
Supervisor [1] 28:23	7:10 12:11 12:14	36:14 37:16 37:17	versus [1] 38:2	whited-out [1] 53:2
supervisor [2] 26:13	17:20 18:1 18:4	37:22 37:22 38:4	Very [1] 29:7	Who [4] 8:21 24:3
55:13	24:5 24:13 24:19	38:16 38:16 39:1	very [4] 15:14 28:2	45:17 53:13
supplies [2] 11:23	24:21 55:12	tool [1] 23:14	29:10 49:11	Why [3] 22:21 25:1
39:20	Tendered [1] 52:23	top [1] 14:9	Video [1] 59:16	48:5
Supply [1] 34:21	term [1] 26:2	Total [1] 59:20	violating [1] 41:3	why [4] 16:13 20:22
supply [14] 11:19	terminate [1] 10:8	total [1] 37:23	violation [9] 19:3	40:10 50:13
11:20 30:6 34:2	terminated [4] 41:1	totally [1] 47:10	19:4 19:5 19:8	will [1] 28:12
35:19 36:13 37:8	41:3 41:5 41:10	trained [10] 11:21	19:11 19:12 30:12	William [1] 40:15
38:1 39:12 39:16	termination [18] 5:7	21:7 22:6 22:23	41:14 43:12	window [1] 49:5
39:17 39:19 40:6	5:12 6:7 7:21	24:16 26:7 34:18	violations [3] 31:2	WINTERS [1] 59:23
supposed [5] 23:4	10:16 12:16 17:12	34:20 39:8 39:10	41:9 41:12	Winters [4] 1:18
35:5 49:19 50:2	41:6 42:3 42:16	training [5] 19:14	visibility [2] 51:11	3:9 4:1 58:5
50:8	43:2 43:6 47:19	19:18 23:23 40:10	51:12	wired [1] 19:18
sure [7] 7:11 15:9	52:17 53:17 53:20	transcribed [1] 59:5	voice [1] 29:22	Within [1] 54:16
21:16 29:17 38:22	53:22 54:11	transcript [1] 58:15	vs [1] 1:7	within [1] 17:11
41:23 55:23	test [5] 14:3 14:3	treat [1] 57:7	W [2] 1:21 3:11	without [8] 25:22
suspension [1] 42:15	14:5 45:18 46:2	tree [1] 41:15	waiting [1] 51:19	37:3 37:5 39:7
sworn [2] 4:15	testified [1] 4:16	trial [1] 2:15	waived [1] 2:4	52:4 52:6 56:6
58:11	testimony [2] 10:21	tried [2] 15:2 15:7	waiver [5] 13:17	witness [5] 2:3
system [1] 19:2	58:15	Truck [2] 27:16	14:23 15:1 15:3	4:9 58:11 58:16
T [10] 1:13 1:13	testing [2] 13:21	28:6	15:6	59:6
	14:1			word [1] 21:22

words [1] 28:13
work [12] 18:10
 26:23 40:17 40:18
 44:20 48:21 50:2
 50:7 50:17 50:18
 50:23 51:13
worked [4] 9:7
 23:21 24:3 39:10
worker [1] 18:14
working [6] 18:17
 48:7 49:20 49:22
 54:5 54:8
works [3] 34:22
 34:23 35:2
Would [1] 15:11
write [1] 47:18
write-up [3] 25:9
 41:18 42:2
write-ups [3] 10:18
 11:7 41:22
writing [2] 17:6
 17:8
written [5] 23:5
 24:22 25:2 31:5
 42:14
wrong [4] 22:13
 32:2 36:9 37:1
X [4] 3:1 3:2
 4:18 45:14
Xcript [1] 59:19
Y [3] 3:2 4:18
 45:14
year [3] 23:8 32:16
 40:7
years [4] 14:18 23:20
 32:6 32:17
YOUNG [1] 1:5
Young [55] 3:22
 5:14 5:16 8:15
 10:8 12:16 13:8
 13:10 13:20 14:13
 15:11 16:4 16:10
 17:4 17:5 24:5
 24:6 24:9 24:14
 24:18 26:5 29:19
 32:10 33:4 33:11
 36:1 36:14 37:13
 37:14 40:22 46:2
 46:13 46:16 46:19
 47:21 48:13 48:16
 48:20 49:5 50:7
 51:2 51:5 51:10
 51:15 51:20 51:23
 54:1 54:20 55:2
 55:6 55:16 56:7
 56:16 56:20 56:23
Young's [14] 5:7
 6:6 6:21 7:14
 9:6 10:4 35:21
 42:21 50:17 50:18
 52:11 52:16 53:22
 54:11